

to do with this substance abuse issue, people will come up to me, as they will this weekend, and talk about their personal stories.

Recently, I received a couple of letters. Just before Thanksgiving I got a letter from Elaine. She is from Cincinnati, my hometown. She wrote that her daughter was lost to a drug overdose in 2013 and her grandson from a drug overdose on August 1 of this year. She writes that her other son is now an active heroin addict. She went through a story about trying to get him into a detox center for treatment but she faced barriers. One of the barriers in her case was being able to afford it. The insurance initially wouldn't cover it. We tried to help her with that, but in the meantime, she is at her wit's end to do something now to save her son's life, having lost two other members of her family. Again, this legislation we are going to vote on early next week, the Cures Act will help with regard to Elaine's inability to find detox and treatment for her son.

Barbara in Columbus has been in touch with my office a lot. She lost her son Eric to an overdose in 2012. He was just a week shy of his 24th birthday. She writes that Eric wanted to go to rehab. His sister took him to every place in Columbus, and no one had room. There was no room at the inn. This is another issue we are finding across the country. Sometimes these resources are available in larger urban areas, but they are frankly oversubscribed given the issue of heroin and prescription drug addiction and the growing problem that we have. She writes:

We need to stop jailing people for drug use. We need to stop people from dying in the streets, and get them into treatment clinics. We need to recognize the difference between drug use and drug abuse. We need focus on creating a society where people do not feel the need to numb the pain of their existence through drug abuse.

I agree with her, and that is the focus of the legislation, the Comprehensive Addiction and Recovery Act.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PORTMAN. Mr. President, I ask for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PORTMAN. Mr. President, again, I am pleased that Congress has made so much progress in this area. I see my colleague from the Judiciary Committee is here, Senator LEAHY, who helped get this legislation through his committee, along with Senator GRASSLEY. It is called the Comprehensive Addiction and Recovery Act.

Now we have a chance with the Cures Act to put even more funding immediately against this problem. I encourage my colleagues to support that legislation. It is good legislation for other reasons, as well, but also because of the fact that this epidemic of opioid abuse must be addressed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate the work of my colleague, and I am glad to work with him on this.

#### JUSTICE FOR ALL REAUTHORIZATION BILL

Mr. LEAHY. Mr. President, on another subject, each morning in this Chamber, we pledge allegiance to our flag. We end by declaring that we are "one Nation under God with liberty and justice for all." I believe in those words, but it is not enough just to say the words. It is our obligation to bring meaning to this promise.

Today I hope that Congress will finally take an important step forward by passing the bipartisan Justice for All Reauthorization Act. I have long championed the Justice for All Act to make our justice system more fair. Our bill will strengthen indigent defense and expand the rights of crime victims. It will improve the use of forensic evidence, including rape kits, to provide justice swiftly. It will help protect the innocent by increasing access to postconviction DNA testing. The Senate passed this bipartisan legislation in June, and the House approved a slightly modified version earlier this week. I am disappointed the House decreased authorizations for many programs I support. Still, the bill makes important changes and will improve the lives of many of our most vulnerable citizens. I urge my fellow Senators to consent to its immediate passage.

As a former prosecutor, I am dedicated to ensuring that our criminal justice system has integrity and the confidence of the public it serves. I started out on the front lines as State's attorney in Chittenden County, VT. And for the past 20 years, I have served as chairman or ranking member of the Senate Judiciary Committee. During that time, it has become clear to me that our system is deeply flawed—there is not always justice for all.

I have met many people who were wrongly convicted of crimes they did not commit. Kirk Bloodsworth—let me tell you a story about Kirk Bloodsworth, who is one such young man. He was just out of the Marines in 1984 when he was falsely convicted and sentenced to death for the rape and murder of a 9-year-old girl.

He always declared his innocence, but he was nearly executed, until DNA evidence proved he was innocent in 1993 and helped law enforcement find the person who actually committed the crime. He became the first death row inmate in the United States exonerated by DNA evidence.

I have always been impressed with his courage, but he was not the last. There were 149 innocent people exonerated just last year—in 1 year, 149—the highest number on record. Our justice system failed not only these innocent people, but also the victims of crime. Those of us who have been prosecutors

know what it means if you convict the wrong person, aside from the injustice to the person who was convicted. It means that somebody who committed the crime is still out there free and has not been arrested and has not been convicted. Our justice system failed not only these innocent people but also the victims of crime. We can and we must do more to fix this injustice.

I believe we should eliminate the death penalty entirely because I know the system gets it wrong. But until we do away with the death penalty, we must improve the integrity of our criminal justice system. That is why I joined with Kirk years ago to enact the Post-Conviction DNA Testing Grant Program. This was originally part of the Innocence Protection Act enacted in 2000, and it gives defendants like Kirk a chance to prove their innocence. That should not be too much to ask.

We can and we must do more to fix this injustice. We must do more to ensure that our justice system gets it right from the beginning. That means improving the quality of indigent defense. Our system too often fails to provide a lawyer for every person accused of a crime, even if they cannot afford one. Our Founding Fathers recognized that no system could be fair if accusations by a king or a government went unchallenged. Without a vigorous defense, it is impossible to determine who is actually guilty and who has been wrongly accused. This legislation requires the Department of Justice to provide technical assistance to States to improve their indigent defense systems, and it ensures that public defenders will have a seat at the table when States determine how to use their Byrne JAG criminal justice funding.

Improving systems of indigent defense will mean fewer innocent people behind bars. It is an outrage when an innocent person is wrongly punished. Of course, this injustice is compounded when the true perpetrator remains on the streets, able to commit more crimes. We lock up the wrong person, and the person who committed the crime is still out there to commit more crimes.

My brave friend Debbie Smith, a champion for victims of sexual assault, waited 6 years after being attacked before her rape kit was tested and the perpetrator, the criminal, was caught. Survivors like Debbie should not have to live in anguish, knowing their attacker remains free. Our bill provides resources for forensic testing. Specifically, it creates a new tracking system so testing can be done more efficiently. It will also expand access to forensic exams in rural areas and for underserved populations. Coming from a State like Vermont, I know how important that will be in rural areas.

Sexual assaults must be prevented wherever they occur, including in our Nation's prisons. That is why I strongly supported the Prison Rape Elimination Act when it was enacted in 2003. This bill imposes true accountability

by withholding Federal funds from States who do not implement protections to prevent sexual assaults in our prisons. It also protects grants designed to provide services for survivors of domestic and sexual violence.

Our legislation also builds on the landmark protections provided for victims of domestic violence in the 2013 Leahy-Crapo Violence Against Women Act. Imagine a woman living with an abusive partner in public housing, but her name is not on the lease. One night he beats her. She calls the police. The man is arrested. The woman believes she is finally safe. But then the landlord says she has to leave immediately because the man is being evicted and she has no right to stay. The Justice for All Act will allow this woman time to remain there while she either finds another place to live or she can demonstrate she is eligible to remain under her own name. No person should be forced to choose between abuse and a place to live.

And finally, our bill expands rights for victims of all crime. It builds upon the success of the Crime Victims' Rights Act by making it easier for crime victims to have an interpreter present during court proceedings and to obtain court-ordered restitution.

It has been my great honor to serve as the most senior Democrat on the Senate Judiciary Committee since 1997. During that time, I have worked with Senators from both sides of the aisle to craft solutions to some of the most important problems of our time. I am proud to join with my good friend the Senator from Texas, Mr. CORNYN, on this legislation and the many advocates who have helped guide our work. I especially appreciate the work of the Innocence Project, the Rape, Abuse & Incest National Network, the National Domestic Violence Hotline, the Consortium of Forensic Science Organizations, Just Detention International, the National Criminal Justice Association, the National District Attorneys Association, Legal Aid DC, the National Network to End Domestic Violence, the Joyful Heart Foundation, the ACLU, the National Juvenile Justice Network, and the National Center for Victims of Crime.

Senator CORNYN and I have proved this is not a Republican or Democratic issue; this is a justice for all issue. That is why so many in both parties have joined, along with so many people around the country.

As we consider legislation next Congress, we must remember that we have an obligation to look out for all victims and to create fairness in our criminal justice system. While we made some improvements this year, including passing the bipartisan Comprehensive Addiction and Recovery Act and the Sexual Assault Survivors' Rights Act, I am disappointed the Republican-led Congress failed to even allow a vote on bipartisan criminal justice reform legislation despite its strong support. As we look to the new

Congress, I hope those who worked with me on this important issue will continue to support efforts to correct the costly mistakes of mandatory minimum sentences. I hope we can again build the same kind of broad bipartisan consensus in support of all victims of sexual assault and domestic violence as we did last Congress when we passed the Leahy-Crapo Violence Against Women Reauthorization Act through the Senate.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPOINTMENTS AND VOTER RIGHTS

Mr. MERKLEY. Mr. President, it has now been 23 days since the election—3 weeks and 2 days. Certainly it has been a time of great frustration and anxiety for Americans across the board, anticipating what our government will look like, what our executive branch will look like under the leadership of President-Elect Donald Trump.

The early signs have been ones that have indeed given a great deal of concern to many groups across America, beginning with the appointment by Mr. Trump of a White nationalist as his Chief Strategist, an individual, Steve Bannon, who has run a Web site, Breitbart, that specialized in hate, specialized in division.

It certainly reverberated in the campaign, but to bring that into the White House was something very few people anticipated would occur. It has been followed up by other appointments that were certainly a cause of deep concern. Just yesterday, there was the nomination of Steve Mnuchin, a Wall Street banker being assigned to the key post in our economy, the Treasury Secretary post—a post that will come before this Chamber for confirmation.

This is not just someone from Wall Street but someone who specialized in acquiring a bank that had been deeply involved in predatory lending, proceeded to foreclosure on thousands and thousands of families, was using robo-signing to accelerate that in violation of the law, was a specialist in turning people out of their homes, profited enormously in the strategy at the expense of working Americans seeking to have the fundamental comfort of owning their own home.

There is a list of other appointments, nominees who have certainly more than raised eyebrows, raised anxiety, other individuals who have specialized in hate and division, and other incidents such as the attack on the cast of "Hamilton" for proposing that individuals with a background of hate and division not be put into the Cabinet.

Then we have this from our President-elect. I quote his tweet: "In addition to winning the Electoral College in a landslide, I won the popular vote if you deduct the millions of people who voted illegally."

It is a straight falsehood. It has been debunked by every major analytical group, news organization in America. It is a complete fiction created in the middle of the night by our President-elect, but why? I think most people conclude that the fact he lost the popular vote is so disturbing to the President-elect because he wants to claim a mandate, but he cannot claim a mandate because the majority of Americans voted against him. They have voted against his strategy of division. They have voted against his strategy of incurring hate against Muslims, against immigrants, against women, against Hispanics, against African Americans.

No, Donald Trump, you did not get the popular vote, you lost it. You lost it straight out by more than 2 million votes and perhaps a great deal more.

No fiction you can stir up in the middle of the night can change that fundamental fact that you have no mandate in America for these politics of hate and division.

The fact is, the citizens' vote against Donald Trump would have been far larger except for a strategy of voter suppression. Voter suppression is a crime against the Constitution. Our Nation was founded on the vision of citizens being empowered to have a direct voice.

President Jefferson wrote a letter in which he referred to the mother principle of our democracy. He described the mother principle as we can only claim to be a democratic republic to the degree that our decisions reflect the will of the people. Then he went on and said and that will only happen if the people, each person, has an equal voice. Then he went on to say that the biggest factor in equal voice is the power to vote.

We know the original Constitution was incomplete in this vision, that it did not provide that full empowerment to women or to minorities—flaws that we have addressed over time in this vision and understanding that the power to vote is fundamental to a democracy.

Indeed, President after President over the course of our Nation has recognized the power of the individual to vote as fundamental to our democratic Republic.

LBJ said: "The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men."

Of course, he was referring to race and the battle over the Voting Rights Act in 1965.

FDR said: "The ultimate rulers of our democracy are not a President and Senators and Congressmen and Government officials but the voters of this country."